

ASSEMBLY BILL

No. 781

Introduced by Assembly Member John A. Pérez

February 17, 2011

An act to amend Section 51230 of the Government Code, relating to agricultural preserves.

LEGISLATIVE COUNSEL'S DIGEST

AB 781, as introduced, John A. Pérez. Agricultural preserve.

Existing law authorized beginning January 1, 1971, any county or city having a general plan, and until December 31, 1970, any county or city by resolution and after a public hearing, to establish an agricultural preserve.

This bill would authorize a county or city having a general plan, after a public hearing, to establish an agricultural preserve.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51230 of the Government Code is
- 2 amended to read:
- 3 51230. ~~Beginning January 1, 1971, any~~ A county or city having
- 4 a general plan, ~~and until December 31, 1970, any county or city,~~
- 5 ~~by resolution, and after a public hearing~~ may, *after a public*
- 6 *hearing*, establish an agricultural preserve. Notice of the hearing
- 7 shall be published pursuant to Section 6061, and shall include a
- 8 legal description, or the assessor's parcel number, of the land ~~which~~
- 9 ~~that~~ is proposed to be included within the preserve. The preserves

1 shall be established for the purpose of defining the boundaries of
2 those areas within which the city or county will be willing to enter
3 into contracts pursuant to this act. An agricultural preserve shall
4 consist of no less than 100 acres; provided, that in order to meet
5 this requirement two or more parcels may be combined if they are
6 contiguous or if they are in common ownership; and further
7 provided, that in order to meet this requirement land zoned as
8 timberland production pursuant to Chapter 6.7 (commencing with
9 Section 51100) may be taken into account.

10 A county or city may establish agricultural preserves of less than
11 100 acres if it finds that smaller preserves are necessary due to the
12 unique characteristics of the agricultural enterprises in the area
13 and that the establishment of preserves of less than 100 acres is
14 consistent with the general plan of the county or city.

15 An agricultural preserve may contain land other than agricultural
16 land, but the use of any land within the preserve and not under
17 contract shall within two years of the effective date of any contract
18 on land within the preserve be restricted by zoning, including
19 appropriate minimum parcel sizes that are at a minimum consistent
20 with this chapter, in such a way as not to be incompatible with the
21 agricultural use of the land, the use of which is limited by contract
22 in accordance with this chapter.

23 Failure on the part of the board or council to restrict the use of
24 land within a preserve but not subject to contract shall not be
25 sufficient reason to cancel or otherwise invalidate a contract.